

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

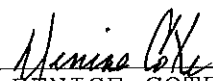
-----	X	
	:	21cv8273 (DLC)
RICHARD BOSSUK,	:	
	:	
Plaintiff,	:	<u>ORDER</u>
-v-	:	
	:	
AUGUSTA SPORTSWEAR, INC. and JASON	:	
LIVERMORE,	:	
	:	
Defendants.	:	
	:	
-----	X	
DENISE COTE, District Judge:		

On November 4, 2022, the defendants moved to dismiss the complaint pursuant to Rule 12(b)(3), Fed. R. Civ. P. Under Rule 12, "[a] motion asserting" the defense of improper venue "must be made before pleading if a responsive pleading is allowed." Fed. R. Civ. P. 12(b). The defendants did not make a Rule 12(b)(3) motion prior to filing their answer. Therefore, the defendants may not move to dismiss the complaint under Rule 12. Accordingly, it is hereby

ORDERED that the defendants' November 4 motion to dismiss is terminated.

IT IS FURTHER ORDERED that the November 7, 2022 Order setting a briefing schedule for the motion is vacated.

Dated: New York, New York  
November 8, 2022

  
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DENISE COTE  
United States District Judge